

**262 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No. 23294 of 2016

Date of Decision: 01.03.2017

Som Nath and another

.....Petitioners

Vs

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sunil K. Sahore, Advocate
for the petitioners.

Mr. Deepak Garg, AAG, Punjab.

Mr. Sanjay Pathania, Advocate
for respondent No.2.

RAJ MOHAN SINGH, J. (oral)

Prayer in this petition is for quashing of FIR No. 131
dated 02.11.2015 registered under Sections 365/384/120-B IPC at
Police Station Nangal, District Rupnagar (Annexure P-1) as well as
all the subsequent proceedings arising therefrom on the basis of
compromise.

Allegations were made in the context of complainant
being driver of the accused and thereafter, some commotion took

place resulted in alleged kidnapping. Both the parties have resolved their differences by way of entering into amicable settlement.

One of the accused namely Kamal Kumar has already expired.

Vide order dated 26.10.2016, parties were directed to appear before the trial Court on 30.11.2016 and the trial Court was directed to record their statements and submit its report qua the genuineness of the compromise effected between the parties.

In pursuance of said order, Sub Divisional Judicial Magistrate, Sri Anandpur Sahib, after recording statements of the parties, has reported that the compromise effected between the parties is genuine, voluntary and without any undue influence and coercion.

This Court is of the opinion that in view of compromise between the parties, chances of conviction of the accused are remote and there is minimal chance of the witnesses coming forward to depose in support of prosecution version. In view of remote chances of conviction, it would be appropriate to exercise discretionary power of this Court under Section 482 Cr.P.C. to put an end to the controversy for all times to come. The compromise would

facilitate both the parties to live in peace and to maintain public tranquility and offence in question is personal in nature and does not involve any heinous and serious offence of any mental depravity, nor it involves any offence covered under Prevention of Corruption Act. Therefore, when possibility of conviction is remote and bleak, continuation of criminal proceedings would put the accused to oppression and prejudice. In such a situation the exercise of power to quash the proceedings would be in consonance with the provisions of law to meet ends of justice and to prevent unnecessary continuation of proceedings which may ultimately result in some unnecessary vagaries of criminal trial.

Learned State counsel, however, objects to the aforesaid course, but in order to prevent unnecessary continuation of criminal proceedings on the ground that there are bleak chances of conviction in the case, this Court is of the opinion that it would be in fitness of things to quash the proceedings on the basis of compromise.

The compromise in question is fully in consonance with the guidelines framed in **Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052** and **Gian Singh vs. State of Punjab and another 2012 (4) RCR (Crl.) 543.**

Resultantly, FIR No. 131 dated 02.11.2015 registered under Sections 365/384/120-B IPC at Police Station Nangal, District Rupnagar (Annexure P-1) and all the subsequent proceedings arising therefrom, are quashed.

Petition stands disposed of.

(RAJ MOHAN SINGH)
JUDGE

01.03.2017

jyoti Y.

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No